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TRANSMITTAL LETTER
(General - Patent Pending)

7-28-4

	Docket No.
	PO9-99-067

In Re Application of: **CHANG, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/411,515	October 4, 1999	Adnan M. Mirza	23405	2131	8417

Title: **RECONFIGURING A NETWORK BY UTILIZING A PREDETERMINED LENGTH QUIESCENT STATE**

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Transmitted herewith is: **Appellants' Reply Brief (4 pgs., in triplicate).**

in the above identified application.

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Dated: July 16, 2004

CC:

P16A/REV02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellants: Chang et al.	:	Group Art Unit: 2141
Serial No.: 09/411,515	:	Examiner: Adnan M. Mirza
Filed: October 4, 1999	:	Appeal No.:
For: RECONFIGURING A NETWORK BY UTILIZING A PREDETERMINED LENGTH QUIESCENT STATE		

Appellants' Reply Brief

Dear Sir:

This Reply Brief is being timely filed in triplicate pursuant to 37 C.F.R. §1.193(b) in rebuttal to certain characterizations and conclusions set forth in the Examiner's Answer mailed May 18, 2004, for the above-designated Appeal.

Remarks

As it is well known, an "obviousness" determination requires an evaluation of whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art. In evaluating claim subject matter as a whole, the Federal Circuit has mandated that functional claim language be considered in evaluating a claim relative to the prior art. Appellants respectfully submit that the application of these standards to their independent claims 1, 18, 35 & 36 leads to the conclusion that their recited subject matter would not have been obvious to one of ordinary skill in the art based on the teachings of Moiin and Bertin. Reversal of the obviousness rejection based thereon is therefore respectfully requested.

Appellants respectfully traverse the conclusions at pages 10-13 of the Examiner's Answer.

For example, under Section (A), the Examiner's Answer equates the teachings at Col. 2, lines 40-47 of Moiin with Appellants' recited functionality that "... upon receiving a configuration request at one node of the plurality of nodes, entering a quiescent state at the one node, wherein the one node remains in a quiescent state for a predetermined period of time sufficient to allow at least one of the node of the plurality of nodes to also enter a quiescent state ..." Appellants respectfully submit that there is no suggestion in Moiin that a quiescent state is entered by a node upon receiving a reconfiguration request at that node, and that the node remains in the quiescent state for a sufficient period of time to allow at least one other node to also enter a quiescent state. No similar functionality is described by the applied art. In Moiin, the predetermined period discussed at Col. 2 refers to a failure to receive messages from a particular node for a predetermined period. This failure to receive messages from a node is determined as a failure of the node. This clearly constitutes a different process than that recited by Appellants in the independent claims presented. The Examiner's Answer does not appear to address these differences.

At page 10, Section (B) of the Examiner's Answer, there is an attempt to equate Appellants' "quiescent state" with a "failed state". Appellants respectfully traverse this attempt
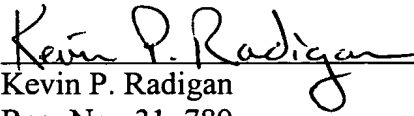
to equate the two states. As is clear from Appellants' specification (e.g., reference page 16, line 26 – page 17, line 16), the quiescent state is a state wherein nodes do not process messages with sequence identifiers different from the sequence identifier currently stored in local memory. As explained at page 17 of the specification, heartbeat messages can continue to be transmitted with a reconfiguration sequence identifier to help propagate the reconfiguration request. A purpose of the quiescent state is to allow current protocols to complete processing at the node while preventing new protocols from being started so that when the state ends and data structures are modified, no protocols are executing, which makes the data structure changes simpler and safer. Clearly, given that processing continues at a reduced level in the quiescent state, the quiescent state is other than a failed state.

Additionally, the Examiner's Answer concludes that a failed state in Moiin lasts for a "certain time". This is clearly distinct from Appellants' independent claims, which recite that the quiescent state exists at the node for a predetermined period of time after receipt of a reconfiguration request. In a failed state, the length of the failure is unknown since the length of the failed state depends upon the reason for the failure. Thus, there is no "predetermined" length of time that a node in Moiin is in a failed state.

With respect to Sections (C) – (E) at pages 11-13 of the Examiner's Answer, Appellants respectfully submit that the positions set forth misconstrue the applied art as somehow being applicable to Appellants' claimed invention. There is no discussion in either Bertin or Moiin of: (1) responsive to receiving a reconfiguration request at a node, entering a quiescent state at that node, wherein the quiescent state is a sufficient predetermined period of time to allow at least one other node of the network to enter a quiescent state; and (2) upon terminating the quiescent state at that one node, then reconfiguring the node to reflect the change in topology of the network without checking with the at least one other node. Multiple aspects of Appellants' recited protocol are simply missing from the applied art.

For the above-stated reasons, as well as for those set forth in the Appeal Brief, Appellants respectfully request reversal of all rejections.

Respectfully submitted,

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